



Application No. 09/214,851
Atty No. 62805.000005

#13
7/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

SELLERS, E. et al.

Serial No.: 09/214,851

Filed: September 9, 1999

Confirmation No.: 8120

Group Art Unit: 1614

Examiner: Delacroix-Muirheid

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For: Use of Inhibitors of CYP2A6 for Regulating Nicotine Metabolism

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Letter to Examiner Delacroix-Muirheid

Remarks

In view of the Office Action mailed July 17, 2003 please find the below comments. As the Examiner has failed to provide the reference Applicants respectfully request that the date of reply be reset as permitted under MPEP 710.06. The Office Action mailed July 17, 2003 has been received. Applicants noted that the Examiner failed to include a translation copy of Garnitskij et al. (SU 1803032). Therefore, Applicants again request the Examiner provide a full translation of the document from which the abstract is taken from if the Examiner wishes to use the reference.

Additionally, Applicants request that the period for reply be restarted according the MPEP 710.06 as this Response is filed within month from the mail date of the Office Action.

MPEP 710.06

Where the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to

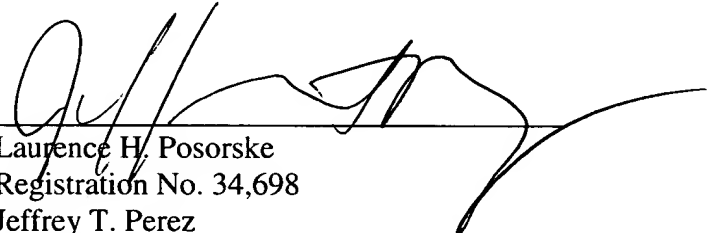
substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g) for the manner of correcting the record where there has been an erroneous citation.

Applicants again request the Examiner utilize her discretion under MPEP 905.01(d) to obtain a written translation of the underlying document if the rejection is maintained and restart the date of the Office Action. In the absence of a translation, Applicants respectfully request the rejection be withdrawn.

Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at 202-955-1500.

Respectfully submitted,

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